Chesapeake Bay Program Governance

Managing the Partnership for a Restored and Protected Watershed and Bay

Interim Final February 27, 2009

Important Note
This is a work in progress. This document is intended to be a working description of the governance (structure, roles, responsibilities and operations) of the Chesapeake Bay Program to implement the reorganization approved by the Principal Staffs' Committee on September 22, 2008.

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1. **Context and Purpose**

   1.1. Purpose of the Document

   This document describes the organizational function and governance for the Chesapeake Bay Program (CBP). This working draft document is expected to evolve dramatically as the CBP builds out the organization's structure and functions.

   1.2. Brief Historical Review

   The CBP marked its 25th Anniversary in December 2008. The CBP is a partnership of federal, state, and non-government organizations that come together to apply their collective resources and authorities to restore and protect the Chesapeake Bay. For purposes of this document, the term "CBP" means the collective partnership. For the past 25 years, the CBP has been well served by a robust organizational structure that has guided the important work of the Program. Figure 1 shows the organization of the CBP that had evolved over the years.

   Figure 1- CBP Organization (prior to 2009)
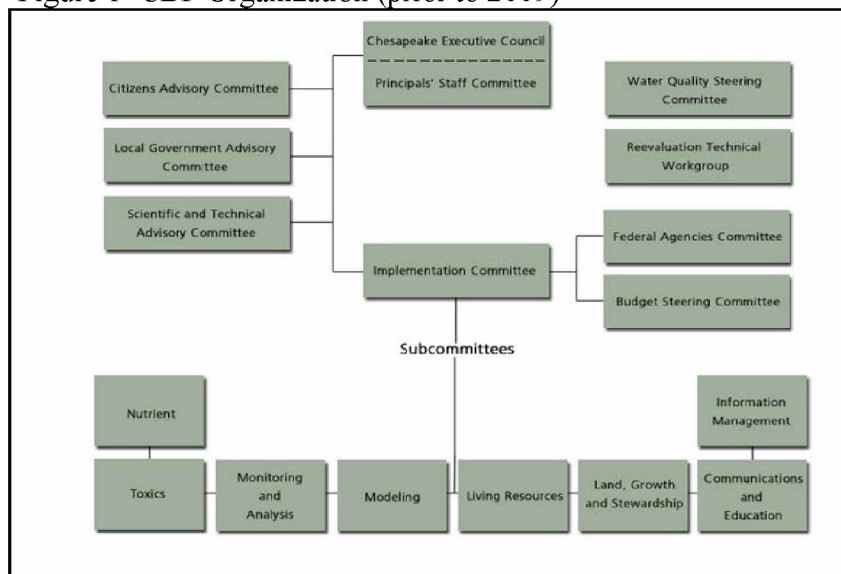
   Beginning in August 2006, the CBP began a process to explore reorganizing to face the future challenges of the restoration effort and accelerate implementation. There was also a recognition that the CBP needed to embrace an "adaptive management" approach to respond better to changing conditions and better information.

   Two major reviews of the CBP structure had been undertaken. First, a series of over fifty stakeholder interviews and approximately sixty surveys were completed from August through October 2006 to prepare for initial planning of the reorganization. Key stakeholders interviewed and surveyed included state

agencies, academics, non-profits, federal partners, subcommittee and advisory committees, contractors, and others.

A parallel effort was led by the Keith Campbell Foundation. The Foundation convened a series of meetings from September 2006 to January 2007. The meeting participants shared a wealth of Bay-related experience and knowledge in policy, science, communications, advocacy, philanthropy, and all levels of government. The result was a report that outlined operating principles and offered concepts for a framework aimed at accelerating implementation of Bay restoration.

At the May 23, 2007 Principals' Staff Committee (PSC) meeting, the Chair, Secretary Griffin, directed the formation of an ad hoc Reorganization Workgroup to develop new organizational options for the CBP, considering these previous efforts. A group, led by Frank Dawson and Diana Esher, and comprised of federal and state partners, advisory committee chairs, and other stakeholders, reviewed the previous efforts and discussed reorganization options and procedures.

The ad hoc Reorganization Workgroup put forth a proposed structure to the PSC in June 2008. At that meeting, the PSC asked the ad hoc Reorganization Workgroup to provide more detail on how the new structure would operate and delineate the roles and membership of each individual structure. The ad hoc Reorganization Workgroup created a document that described the functions, roles, and membership of each box in the organization and shared that document with the Reorganization workgroup and Subcommittee Chairs in August and early September, 2008. The reorganization structure was refined based on the feedback from these two groups. The CBP organization chart and an outline of roles, functions and membership were presented to the PSC at their September 22, 2008 meeting. The PSC approved the basic structure of the reorganization, which is shown in Figure 2.

Following approval of the organization structure on September 22, a Transition Team was commissioned to more fully describe the governance and implementation of the new organization.

Figure 2- CBP Organization Chart Approved by the PSC on September 22, 2008
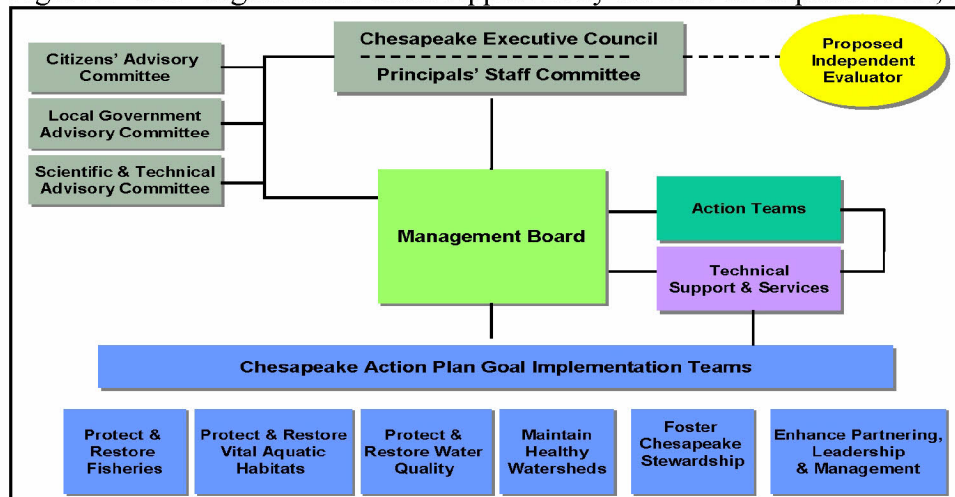
1.3. Vision for the New Organization

As the Bay Program partners continue to refine, describe and implement the governance of this new organization, we are guided by the following principles. The new organization should:

- Simplify the organizational structure
- Align, coordinate and integrate partner actions and resources with Bay restoration priorities and desired outcomes to the greatest extent possible without infringing on the sovereign budget and programmatic authorities of partner organizations.
- Focus and foster implementation of policies and management actions to achieve desired environmental outcomes and results
- Address partner needs and ensure management processes provide valuable services to partners
- Improve access and active involvement of a broader spectrum of interests including federal agencies and non-government organizations
- Improve internal and external communications including to the interested public on the work and progress of the restoration effort
- Clarify roles and responsibilities of the organization's components
- Promote and adopt the principles of adaptive management that provides a framework to plan, implement, assess and adjust actions needed to improve the operation of the CBP and conditions of the Bay ecosystem.
- Promote efficient and effective use of partners' valuable time, including inter-program communications
- Emphasize short term, action oriented, outcome driven interdisciplinary teams to address critical issues
- Ensure accountability and transparency
- Promote independent evaluation of progress and performance in meeting milestones

- Re-energize the partnership and refresh partner commitments
- Build upon the current strengths and past successes of the CBP

1.4. The Evolving Organization Chart

Figure 2 above shows the organization structure as approved by the PSC on September 22, 2008. As the CBP continues to frame and better describe the structure and governance of the Program, we are exploring possible ways to better depict and describe the new organization. Figure 3 shows a working version of the organization chart with proposed changes for consideration by the partners. This organization chart is expected to continue to evolve.

Figure 3 – Working Version of the New CBP Organization
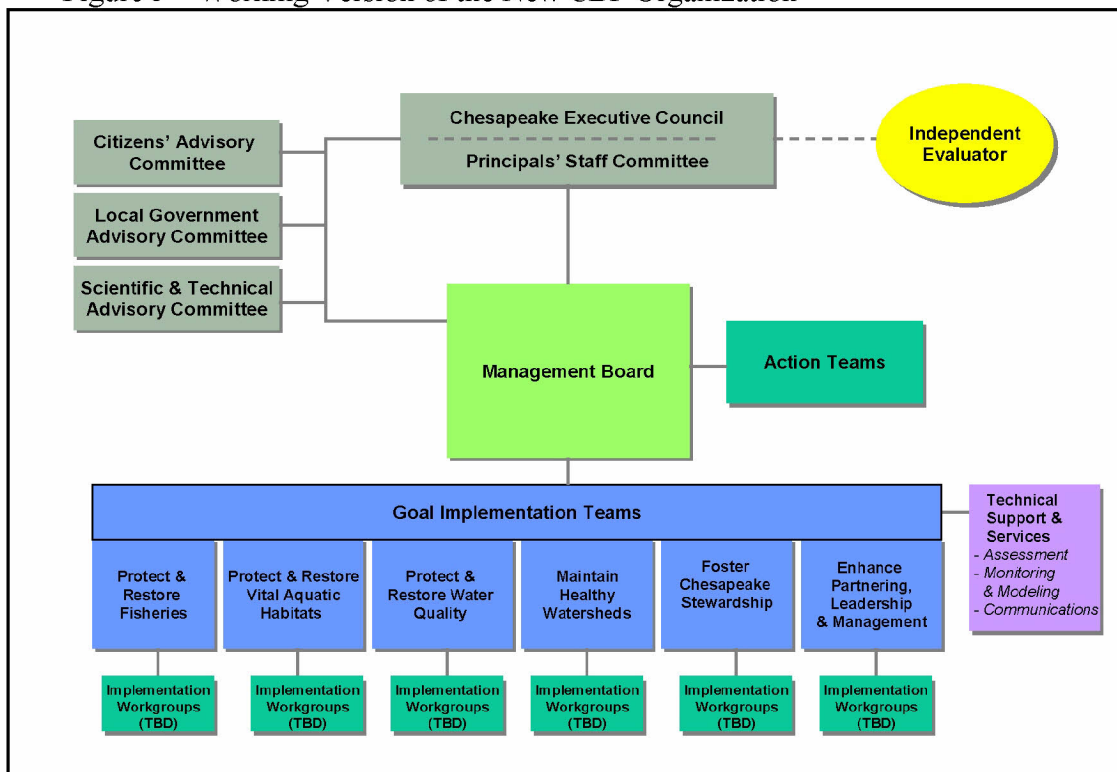
1.5. Dynamic and Adaptive Nature of Governance

The structure and governance of the program will change and evolve over time as a result of CBP's application of adaptive management. As stated in the Chesapeake Bay Action Plan (CAP), the CBP is following an adaptive management system to better plan, align and assess partner activities and resources to meet CBP goals. The CBP adaptive management system provides a framework that organizes the strategic activities and resources of the partnership while using performance data and decision-support tools to optimize implementation.

The adaptive management system will foster both (1) continual improvement of CBP's organizational performance and (2) improved ecosystem management by

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allowing adjustments based on the relations between management actions and progress toward CBP goals. Following the adaptive approach, the partnership will likely learn that there are features of the organizational structure and governance that require modification following the transition described in this document. This will require some further changes to structure and governance in the future, which will be coordinated by the Management Board (MB). The functional assignments provided in this document for the Goal Implementation Teams (GITs) are a starting point and it is expected that the GITs will make recommendations to the MB for changes to functional assignments that will improve the effectiveness and efficiency of strategy implementation.

1.5.1. *Adaptive Management Model and Benefits*

The CBP, including the organization structure, must be nimble enough to adapt and respond to changing conditions and feedback from a variety of sources. This ability to change is broadly referred to as adaptive management and occurs at every level of the organization. In order to understand the full aspects of a comprehensive management system and the role of adaptive management, we have used the work of Kaplan and Norton (2008) as a basis and reference for the governance of the CBP organization. This management model helped inform the nature of the CAP and the development of the activity database and the management dashboards as key tools to foster coordination and improved management of the CBP.

The program-level adaptive management system model is based on Kaplan and Norton's (2008) five-stage model as modified to fit CBP's specific needs and operations. The initial version of CBP's management system is shown in Figure 4. The model has been further refined to reflect the unique operational governance of the CBP and to reflect ecological adaptive-management principles.

The adaptive management system benefits the governance of the program through integrated strategic planning and alignment of partner activities along with constant feedback of progress in meeting goals. The management system provides the basis for creating a repeatable cycle of program management that promotes efficiency because the organizational units understand what is expected in terms of the time frame for setting goals, planning operations, executing strategy, monitoring performance and refining strategies. The system also provides opportunities to better assess the relation between implementation actions and improvements in ecosystem conditions so that time-critical adjustments to strategies and actions can be made. Finally, the system will help CBP partners recognize changes in external conditions so that they may reorient or revise portions of the planned activities based on new information. These features will provide new tools to the MB and other organizational units for effective and efficient management of the program.

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Figure 4 - CBP adaptive management system based on the Kaplan and Norton (2008) model
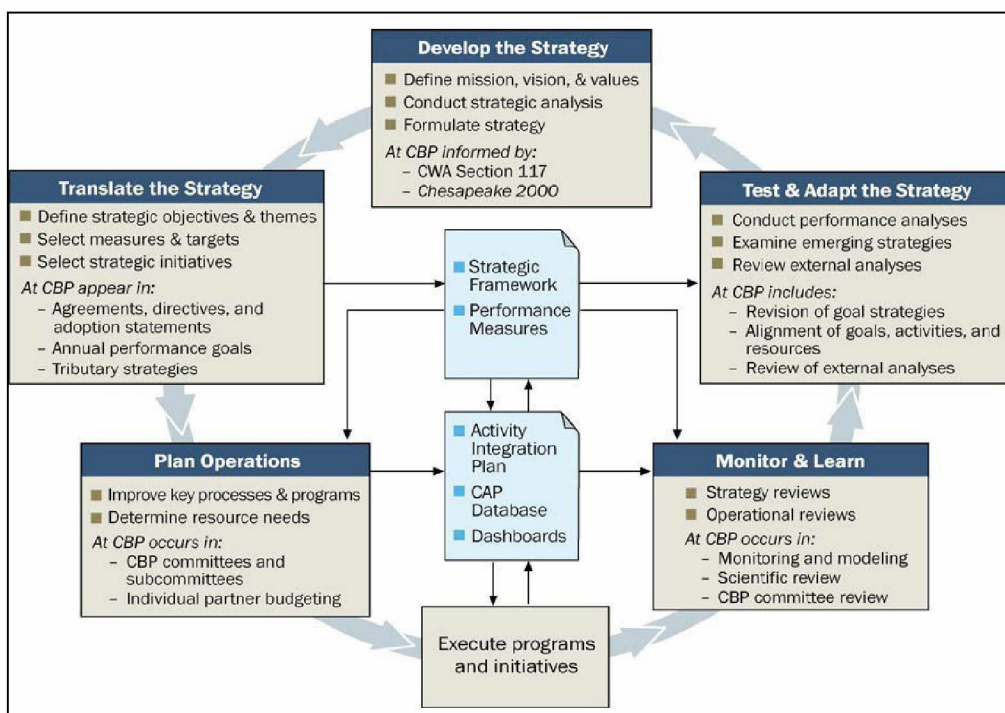
1.5.2. *Scope of Adaptive Management Relative to Program Governance*

While adaptive management occurs at multiple levels and in different forms within and among CBP partner agencies, the organizational goal is for there to be one program-level system that provides a consistent operational framework for the program and integrates partner resource management decisions. The CBP adaptive management system relies on the desire of the individual partners to more effectively implement their activities and to harness and focus the collective power of the CBP partners for the good of the Bay.

The cycle of active strategy development, planning, implementation and evaluation described in Figure 4 is to be applied to all areas of CBP activity, so that the organization itself, not only individual partners or partners engaged in on-the-ground implementation, will learn and change based on the outputs of the adaptive management process. The adaptive management system is applied proactively by the organization through strategic planning processes and it is the basis for responding to external evaluations and needed corrective actions. Successful implementation relies on each organizational unit to understand its responsibilities, be accountable, and stay on schedule with the system cycle.

1.5.3. *Organizational Responsibilities for Adaptive Management*
Within the structure of the CBP, the organizational units have unique roles in contributing to the program's adaptive management system. The MB has the principal responsibility for maintaining the system with significant support from the GIT for Partnering, Leadership and Management. The table below provides a macro-level description of the essential functions of the organizational units as they relate to the execution of strategy, which is coordinated through the adaptive management system.

Essential Strategic Program Functions at Organizational Levels

Executive Council – Establishes vision

Principals' Staff Committee – Translates vision

Management Board – Prioritizes (aligns partner resources)

Goal Implementation Teams – Develop and execute strategies (continually improve alignment)

Implementation Workgroups – Coordinate actions and measure progress for discrete priority area

Technical Support and Services – Monitoring, modeling, and assessment to support strategies

Advisory Committees – Integrate critical perspectives to enhance strategies

Action Teams – Quickly address implementation challenges

Independent Evaluator – Provides independent assessment and feedback on specific issues

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Section 3.0 of this document provides greater detail on the individual functions and responsibilities related to the adaptive management system for the various organizational units.

1.6. Background on the Chesapeake Action Plan and its Relationship to the Organization
In July 2008, the CBP prepared the "Chesapeake Action Plan" (CAP) in response to the 2005 GAO Report and 2008 congressional appropriations guidance. The CAP will provide the critical information (e.g. partner actions and resources) reflecting the work of the organization. A few examples help illustrate the power of the CAP to inform the organization and business of the CBP.

- Goal Strategies – The CAP includes explicit goal strategy documents that inform the priorities of each of the six GITs. These represent an important starting point for the MB and each GIT to affirm strategy and key priorities. The MB and GITs will continue to plan specific actions to carry out the strategies using CAP tools.

- Activity Integration Plan – The CAP includes the database of partner actions and resources. This database will provide critical information to each GIT to understand the current partner activities so work plans can be developed to align partner activities and resources to address strategic priorities.

- Dashboards – These will be the management and measurement tools for the program. Each GIT will build on these as the means to communicate strategies and report progress toward implementation and environmental goals.

- Adaptive-Management- The CAP includes an adaptive-management framework to plan, implement, assess and adjust strategies and actions needed to improve the operation of the Program and conditions of the Bay ecosystem. The adaptive management framework will assist the MB and GITs to conduct regular reviews of progress toward implementation and environmental goals and make needed adjustments.

1.7. <u>Decision-Making in the Chesapeake Bay Program</u>

Over the 25-year history of the CBP, the partners have signed nearly 100 agreements, directives, resolutions, adoption statements and other documents that create cooperative action to restore and protect various aspects of the watershed and Bay. This complex and challenging endeavor has routinely relied upon collaborative decision-making and "consensus" (all parties can live with the decision) among the partners has been, and remains, a goal.

There are, however, situations in which consensus is inappropriate or in which consensus is not necessary for progress to be made. Four potential decision models may be appropriate, given the issue/situation: 1) Consensus, 2) Unilateral (one partner decides), 3) Champion (partners make different decisions/approaches with independent evaluation and accountability), and 4) Voting.

- Consensus is an appropriate decision model where it is necessary to reach agreement among all the Partners.

- Unilateral decisions may be made when a partner is obligated to fulfill a sovereign obligation or authority, or when a Partner does not participate in a consensus decision because the issue is not relevant to that partner.

- Champion was introduces at the 2007 Executive Council (EC) meeting, in the interest of fostering leadership and innovation. A champion is one partner that agrees to try new and different approaches and strategies, without the burdens of having to reach consensus from some or all partners. Champions keep partners informed of their progress and report on the results and lessons learned. It is hoped that other partners will learn and adapt new approaches based on the lessons learned by the champions. The concept of champions took on another important dimension at the June 2008 PSC meeting when the partners agreed that implementation actions could be different among States, but all would be assessed by fair and consistent metrics.
- Voting is not appropriate to impose a majority decision on equal and unwilling partners, but may be useful to get a sense of the group (i.e. polling) to obtain closure on minor administrative matters.

Whatever approach is used to make decisions, it is important that members of the organizational group understand exactly what the process is and that they feel included in the process. Finally, when decisions are made, the approach used should be recorded in meeting minutes along with the outcome of decision.

1.8. Organization of this Document
This document is intended to be the single text that captures the critical information about the CBP organization. This document is expected to be very dynamic and constantly changing to reflect the deliberations of the partnership and the mutual understanding of how the organization is structured and functions, in keeping with the vision described in Section 1.3.

Section 1.0 has provided some critical context for the CBP organization- past and present.

Section 2.0 describes the role and responsibilities of the Transition Team to more fully develop the governance of the CBP, which are and will be captured in this document.

Section 3.0 is the core of the document and describes the governance of the Program (roles, responsibilities, members, operations).

Section 4.0 describes communication considerations for the new organization.

Section 5.0 describes how CBP intends to implement this new organization.

2. **Transition Team**
   2.1. Role
   Although a new organizational structure has been approved by the PSC, much work remains to provide the important details of the new organization and how it

will function, given the vision described in Section 1.3. A reorganization Transition Team was commissioned to build out the organization and to design its implementation.

The proposed roles of the Transition Team include:
- Validate the organizational vision (Section 1.3)
- Translate the vision into a highly effective partnership organization
- Establish and document the governance for the new organization
- Assist in developing a plan and approach for transition and implementation of the new organization
- Represent the broader partnership in the development of this Governance Document
- Conduct outreach to partners on governance procedures
- Recruit candidate GIT leaders and members for GITs and make GIT leadership recommendations to the MB

It is intended that once the GITs and the MB are chartered and operating, the Transition Team will have concluded its work and will disband.

2.2. Members

The Transition Team includes members representing multiple jurisdictions and stakeholder groups within the partnership. This team was affirmed by the CBP Partners at their December 18, 2008 meeting. The members of the Transition Team are:

Chairs	Jeff Lape/Carin Bisland, EPA CBPO
	Carlton Haywood, ICPRB
Federal	Charles Wilson, US Navy
	Scott Phillips, USGS
	John Wolflin, USFWS
EC Members and Other Partners	Pat Buckley, PA DEP
	Frank Dawson, MD DNR
	Matt Mullin, Bay Commission
Non-Government	Bernie Marczyk, Ducks Unlimited
Previous Subcommittee Chair	Tom Parham, MD DNR
Previous Subcommittee Coordinator	Mike Fritz, EPA CBPO
Advisory Committees	Jessica Blackburn, ACB
	Rick Keister, ACB
Staff Level Representative	Melissa Fagan, Chesapeake Research Consortium

Staff Support	Greg Allen, EPA CBPO
	Matt Robinson, Chesapeake Research Consortium

2.3. <u>Proposed Timeline</u>

At the December 18, 2008 partners meeting, a framework and plan for proceeding with the transition, with an expanded transition team providing guidance, was presented. A working timeline for Transition Team to further frame the new organizational structure is shown below.

Date	Task	Status
9/22/08	PSC Approves New Organization Structure	Completed
12/18/08	Partner's Meeting Framing of a plan for moving forward with transition, including - Timeline and Process - Transition Team role and members	Completed
1/6/09	Transition Team Conference Call - Review the Framework for the Governance Document - (Re)Affirm the Organization Vision - Affirm the Transition Team Roles - Review and Discuss Overall Organization Structure - Review and Discuss MB and GIT Roles and Functions - Discuss value of and scope for facilitation/training assistance - Request review and comment on the draft document	Completed
1/16/09	Transition Team Conference Call - Continued to review of the Governance document - Propose membership of MB and membership and leadership of GITs (e.g. co-chairs) - Operating procedures of the MB and GITs - Resolve issues on operating procedures of Technical Support Services, particularly how it will function with the MB/Action Teams/GITs	Completed
1/20/09	Solicit from Partners nominations for MB and GIT leadership	Completed
1/23/09	Transition Team Meeting – All Day - Discussion of implementation plan and transition from existing to new organization - Discuss and agree on needed changes to the Governance Document for Broader Partner Review	Completed
1/29/09	Draft Governance Document prepared by Transition Team staff and distributed to Transition Team	Completed

Date	Task	Status
1/30/09	Transition Team Conference Call 10 am-12pm - review edits and additions to Governance Document - resolve questions referred by Transition Team staff - review overall timeline - decide yes or no that Governance Document ready for stakeholder review	Completed
Week of 2/2/09	E-mail request to PSC members soliciting their nominations for MB membership. Responses due by 2/13/09.	Completed
2/4/09	E-mail announcement of draft document review to Partner/Stakeholder distribution list and assessment of comments. Potential one-on-one briefings with partners.	Completed
2/17/09	Complete draft list of MB members and GIT leadership.	
2/18/09	Draft Governance Document comment period closes.	Completed
2/18-2/27/09	Revise Governance Document to incorporate comments.	
2/27/09	Send to MB briefing package for their first meeting, which includes - meeting agenda - proposed Governance document - proposed list of GIT Chairs and Vice Chairs - Other materials related to agenda topics	
2/27-3/11/09	Potential one-on-one Governance Document briefings with partners.	
3/13/09	First MB meeting - Adopt the Governance Document for the CBP - Approve a slate of GIT Chairs and Vice Chairs - Approve a set of directions to the GIT Chairs to assemble their teams and identify initial priority tasks - Other agenda items TBD	
3/16/09	Webpage on chesapeakebay.net goes live, describes - new organization structure, - MB membership, - GIT leadership, and - timeline for GITs beginning operations	
3/6-4/20 (approx)	GITs and TSS organize membership, workgroups, and hold initial meetings	
Week of 3/23/09 (tentative)	Chairs/Coordinators/GIT Staff/state reps Orientation Meeting – How to get started - Operating the adaptive management system - Leadership principles - New organization structure - Work plans, important tasks for the first 3 months for each GIT - Other transition issues	

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Date	Task	Status
4/20 and 21/09	PSC meeting - receive report from MB Chair on adoption and implementation of the new organizational structure and Governance Document	
5/12 or 14/09 (tentative)	EC meeting - receive report from PSC Chair (?) on adoption and implementation of the new organizational structure and Governance Document - EC includes new structure and governance as one of the CBP accomplishments of preceding 6 months	
5/13/09	Expanded representation of new organization on chesapeakebay.net: added membership, workgroups, meeting schedules	

2.4. Facilitation and Training Support

Some members of the Partnership have suggested that we may be well served by engaging in the support of an independent facilitator/trainer to support the design and implementation of the new organization. Appendix 1 contains a draft text of a possible scope of work for such services. EPA Headquarters has offered some resources to support this independent help and support.

2.5. Ratification by the Program Partnership

Ratification of the final structure, leadership assignments and governance procedures as described in this document will be the responsibility of the PSC. The Transition Team will develop a revised draft of this document and will provide it to the MB for their review and ratification at their March 2009 meeting. Following ratification by the MB, an overview of the governance document will be presented to the PSC during their April 2009 meeting. When fully ratified by the PSC, an announcement of the reorganization will be developed and delivered at the May 2009 EC meeting.

3. **Chesapeake Bay Program Governance**

This section provides a description of the governance (mission, functions and responsibilities, leadership, membership, and operations) of the various organizational entities (e.g. EC, MB, GITs) that comprise the CBP.

3.1. Chesapeake Executive Council

    3.1.1. *EC Mission*

        Establishes the policy direction for the restoration and protection of the Chesapeake Bay and its living resources. Exerts leadership to marshal public support for the Bay effort and is accountable to the public for progress made under the Bay Agreements.

    3.1.2. *EC Key Functions and Responsibilities*

- Provide the vision and strategic direction for the restoration and protection of the Chesapeake Bay and its living resources
- Exert leadership to marshal public support for the Bay effort
- Provide public accountability on progress toward goal achievement using findings and recommendations from the Independent Evaluator
- Report on progress to the public annually with clear measurable objectives
- Direct changes as needed in the adaptive management system to improve program performance and resource alignment
- Provides direction to the MB and members of home agencies to promote the alignment of resources
- Accountable to the public for progress made under the Bay Agreements

3.1.3. *EC Leadership and Membership*

Establishment of the Chesapeake EC is authorized by Section 117 of the Clean Water Act. The Chesapeake EC consists of "full members," corresponding to the signatories of the Chesapeake Bay Agreement, and other participating members, as shown below. Leadership of the EC is rotated among the full members on a mutually agreed basis (Appendix 5 provides the ten-year history of the EC Chairs). The lead member is responsible for planning EC activities and drafting the agenda for the annual meeting. The development of the detailed annual meeting agenda is conducted by the PSC with oversight provided by the lead EC member.

Full Members

The Governors of Maryland, Virginia and Pennsylvania
The Mayor of the District of Columbia
The Administrator of the U.S. Environmental Protection Agency
The Chairman of the Chesapeake Bay Commission, a tri-state legislative body

Other Participating Partners

The Governors of Delaware, New York, and West Virginia (also referred to as the "Headwater States")*
Federal Agency representatives would be invited to attend based on issues being addressed at a particular EC meeting (e.g. U.S. Department of Agriculture, U.S. Department of Interior, US Department of Commerce, Department of Army/ Corps of Engineers, and Department of Defense)
The explicit role of the Headwater States in the CBP is described in Appendix 4. In summary, Headwater States are not EC members, but are full partners on water quality-related issues.

Organizational level of members and participating partners

State Governors, DC Mayor, EPA Administrator, Chesapeake Bay Commission Chair and an appropriate representative at a level commensurate to state Governors as determined by agency top-executives for other invited Federal participants.

Duration of membership and leadership

State Governors and the Mayor serve for the duration of their elected terms. Federal members serve for the duration of their appointment to their agency.

3.1.4. *EC Operations*

Ground rules

The structure of the EC meeting is coordinated by the lead member with assistance from EPA under guidance of the full PSC. The format, location, and content (presentations, breakout sessions, participants, speaking roles, and other participation details) of the EC meetings are to be determined well in advance of the meeting to avoid unexpected outcomes and provide an effective planning process.

Attendance

Attendance is mandatory at the annual meeting for signatory principals and headwater states or, in the event of an unforeseen conflict, a high-ranking alternate is designated.

Frequency and duration

The EC meets at least annually. The meetings are typically all-day meetings held at highly visible venues as chosen by the lead EC organization.

Reporting, Accountability and Performance Metrics

Setting priorities

Priorities are set following discussion among EC members and following counsel with PSC members and staff from the various partner organizations.

Budgeted Resources

Financial support for the EC annual meeting is provided by EPA CBPO and the lead EC organization and advice from advisory committee chairs.

Staffing and Support

A senior EPA CBPO employee is assigned to help coordinate activities and the annual EC meeting. Additional support is provided by a CBPO staffer.

3.1.5. *EC Key Issues and Questions to be Resolved*

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3.2. <u>Principals' Staff Committee</u>
    3.2.1. *PSC Mission*
        In parallel with the mission of the EC, the PSC acts as the policy advisors to the EC, accepting items for EC consideration and approval, and setting agendas for EC meetings. Individual members of the PSC arrange and provide briefings to their principals, the Agreement signatories. The PSC also provides policy and program direction to the MB.

    3.2.2. *PSC Key Functions and Responsibilities*
        Translate restoration vision by setting policy and implementing actions on behalf of the EC
- Set agendas for EC meetings
- Provide policy and program direction to the MB
- Provide the broad direction for the Independent Evaluator
- Receive counsel and advice from the advisory committees
- Resolve issues presented by the MB that require executive-level resolution
- Prepare the EC principals for discussions on key issues with other members of the EC, the public, and the media
- Contributes to alignment of partner resources relative to established priorities

    3.2.3. *PSC Leadership and Membership*
        The PSC Chair is a Secretary level individual from an agency within the jurisdiction of the EC Chair. The PSC is comprised of high-level state and federal leaders. State membership to the PSC consists of a delegation that includes members at the Secretary level of major state departments. States have the latitude to decide upon the size of that delegation and may add to or subtract from their delegation at any time. Federal membership to the PSC consists of a federal delegation at a level commensurate with state secretary level. At the PSC, all members of the delegations are invited to participate in the discussion, however for decision making, the delegation is expected to decide on one position. Consistent with expectations for the EC, Headwater States are full partners on water quality issues.

            <u>PSC Members include:</u>
                Chair (representative of the EC Chair jurisdiction)
                Chesapeake Bay Commission, Director
                DC Department of the Environment, Director
                Delaware Department of Natural Resources and Environmental Control, Secretary
                Maryland Delegation:
                      MD Department of Natural Resources, Secretary
                      MD Department of the Environment, Secretary
                      MD Department of Agriculture, Secretary

MD Department of Planning, Secretary
MD Department of Transportation, Secretary
New York State, Department of Environmental Conservation,
Assistant Commissioner
Pennsylvania Delegation:
  PA Department of Environmental Protection, Secretary
  PA Department of Conservation & Natural Resources, Secretary
  PA Department of Agriculture, Secretary
Virginia Delegation:
  VA Sec of Natural Resources, Secretary
  VA Department of Conservation and Recreation, Director
  VA Department of Forestry, State Forester
  VA Sec of Agriculture and Forestry, Secretary
  VA Department of Environmental Quality, Director
West Virginia Delegation:
  WV Department of Environmental Protection, Secretary
  WV Department of Agriculture, Commissioner
Federal Agency Delegation:
  U.S. EPA, Regional Administrator
  U.S. EPA CBP Office, Program Director
  U.S. Department of Agriculture, Natural Resources Conservation
  Service
  National Oceanographic and Atmospheric Administration Director
  of Habitat
  National Park Service
  U.S. Forest Service
  U.S. Geological Survey
  U.S. Fish and Wildlife Service
  U.S. Army Corps of Engineers
  U.S. Department of Defense

Organizational level of members
As indicated above, typically executive-level Regional Directors,
Secretaries and Commissioners.

Duration of membership and leadership
Members are appointed by EC principals. The Chair rotates at the
same frequency as the rotation for the EC Chair.

What is different from existing structure?
The PSC in the new CBP organization structure adds the headwater
states and other core federal agencies.

3.2.4. *PSC Operations*
  Meetings

Meetings are to allow active translation of the restoration vision set by the EC and to allow PSC members to represent the EC in providing direction to the MB. Meetings allow for issues to be discussed and for decisions to be made that further clarify policies related to restoration goals and metrics. Issues identified by the MB and progress reports related to EC interests are a major focus of PSC meetings.

Ground rules

Decision making follows the delegation approach described in section 1.7. As members of the PSC, Headwater States (Delaware, New York and West Virginia) will continue to act as "full partners" on "initiatives designed to restore water quality" (Directive 04-02). Such activities would include, for example, setting and implementing nutrient and sediment reduction targets; addressing issues associated with TMDL development and implementation; designing and implementing strategies to meet nutrient and sediment reductions through tributary strategies and other means; collaborating on development and use of innovative measures such as trading; and other topics related to water quality. EC Members and the Headwater States would determine the role of Headwater States on particular non-water quality related issues.

In addition, the PSC has the following special considerations for its ground rules:

- An agenda and decision documents are circulated at least 14 days (2 work weeks) before the meeting.
- The agenda spells out specific goals for the meeting. Focus is on the CAP and the CBP, always balancing individual States' needs with the greater good for the Bay.
- Each State and Federal partner has one voice in decision-making.
- When the PSC Chair is not able to lead the meetings, he/she will designate an executive-level person to take his/her place.

Attendance

Meeting attendance may be in-person or by conference call. Members who are not able to attend are expected to designate an alternate.

Frequency and duration

Meetings are conducted quarterly with conference calls as needed between quarterly meetings. Locations of quarterly meetings are at the discretion of the chair.

Reporting and Accountability

Reporting and accountability are to the EC.

Setting priorities

Priority setting for the PSC is at the discretion of the chair with input from members. Priorities are identified as related to EC vision and implementation issues identified by the MB, advisory committees or individual PSC members

Staffing and Support

The PSC is co-coordinated by executive-level CBP Office Staff and a representative of the state that is chairing the EC. In addition, the CBP Office provides staff support to the PSC.

3.2.5. *PSC Key Issues and Questions to be Resolved*

3.3. Management Board
3.3.1. *MB Mission*
Provides strategic planning, priority setting, and operational guidance through implementation of a comprehensive, coordinated, accountable implementation strategy for the CBP using the CAP and a management system based on adaptive management principles.

3.3.2. *MB Key Functions and Responsibilities*
- Implementation through translation of direction provided by the EC and PSC into specific actions for the CBP
- Frames the issues and ensures that the critical data, information, options and analyses are performed to support effective decisions by the PSC/EC
- Drives implementation through the GITs and holds the GIT leadership responsible and accountable. Example questions for the GITs include:
  o Does the Goal strategy reasonably reflect the environmental objectives of the Goal, consistent with C2K?
  o What are the critical priorities and expected outcomes of the GIT?
  o Are all the critical partners at the table to support the GIT
  o Has the GIT created the necessary implementation workgroups to achieve the results?
  o What are the critical priorities of the GIT? Is there a management dashboard for each of the critical implementation priorities that reflect the expected progress and results?
  o Do resources of the partners reflect the critical priorities of the GIT?
- Assures that resources of the partnership are aligned with strategic priorities to the greatest extent possible without infringing on the sovereign budget and programmatic authorities of partner organizations.
- Acts as coordinating and cross-program integrating body in the context of partner collaboration, not dictating how partners will manage their own resources.
- Improves the performance of the program using an adaptive management system

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- Creates and commissions Action Teams as needed. Appoints leaders of Action Teams
- Provides input and guidance on the EPA CBPO budget and identifies key gaps in resource needs to achieve priority actions.

3.3.3. *MB Leadership and Membership*

The MB is chaired by the Director of the EPA CBP Office. Membership of the MB includes:

EPA CBP Office Director, Chair
Chesapeake Bay Commission
Advisory Committees - CAC and LGAC as full
     members, STAC in advisory role only
State Partners:
State of Maryland
Commonwealth of Pennsylvania
Commonwealth of Virginia
District of Columbia
State of Delaware *
State of New York *
State of West Virginia*

Core Federal Agency Partners:
    National Resource Conservation Service
    U.S. Forest Service
    National Oceanic and Atmospheric Administration
    U.S. Geological Survey
    National Park Service
    U.S. Fish and Wildlife Service
    U.S. Army Corp of Engineers
    Department of Defense
    U.S. Environmental Protection Agency

The explicit role of the Headwater States in the CBP is described in Appendix 4. In summary, Headwater States are not EC members, but are full partners on water quality-related issues.

Organizational level of members

In general, the highest level below that represented on the PSC is required. Typically this indicates Assistant Secretary, Office Director, Executive Director, Chief, or equivalents.

Duration of membership and leadership

The Chair and members are appointed for indefinite terms.

Staffing of Management Board

EPA CBPO will provide a Coordinator and staff support to the MB.

3.3.4. *MB Operations*

Meetings

The meeting time of the MB is for decision-making, time-critical discussions, and hearing summary results of the GITs or Action Teams. On a regular basis, the MB conducts strategy and operations reviews using performance dashboards provided primarily by the GITs and the TSS unit. The purpose of these reviews is to evaluate the performance of the groups and address problems and short-term barriers to progress, to identify areas of coordination with other GITs, and to allow for strategy adjustments based on learning or changes in the external environment.

Ground rules

The MB may adopt its own rules of order and business conduct, however, this document provides a starting point for MB operations. In addition, the MB has the following special considerations for its ground rules:

- An agenda and decision documents are circulated at least 14 days (2 work weeks) before the meeting.
- The agenda spells out specific goals for the meeting, e.g. to make a decision on a specific matter; to decide whether to add or subtract a task force; to analyze whether the Action Teams are meeting their objectives; to decide on how resources should be spent.
- Focus is on the CAP and the CBP, always balancing individual States' needs with the greater good for the Bay.
- Each State and Federal partner has one voice in decision-making.
- When the MB Chair is not able to lead the meetings, he/she will designate an executive-level person to take his/her place.

Attendance

Meeting attendance may be in-person or by conference call. Members who are not able to attend are expected to designate an alternate. A quorum of 50% of those on the MB, regardless of Federal and State proportions, must be present for decisions to be made.

Frequency and Duration

Meetings are held monthly and alternate between in-person meetings and teleconferences. A schedule for meetings will be determined at the beginning of the year and the scheduled format (i.e., in-person or teleconference) will be maintained to the greatest extent possible.

Reporting, Accountability and Performance Metrics

Setting Priorities

For general operation of the MB, it is the responsibility of the Chair and the Coordinator to track and facilitate discussion on the highest MB priorities following input from the entire group. With regard to the MB's role in establishing restoration priorities, priorities should be those that are feasible and provide multiple benefits to the restoration

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effort. Procedures for priority setting should be based on information such as analysis of options, costs, ability to influence and potential benefits performed by the GITs and presented to the MB Established restoration priorities are to be matched with measures to allow ongoing assessment of progress.

Budgeted Resources

The EPA CBPO provides funding to the MB on an as-needed basis. Example MB activities that may be funded include special studies, contract support for high priority projects, and facilities for extended off-site meetings. Requests for EPA funds will be processed by the MB Chair.

Staffing and Support

The EPA CBPO provides significant staffing and logistic support to the MB. A senior member of the CBPO is assigned as MB Coordinator. One or more of the staff members of a non-government organization supported by a grant from EPA (currently the Chesapeake Research Consortium) will be assigned to provide administrative and research support. In addition, there is a close and supportive relationship between the MB and the Enhancing Partnering, Leadership, and Management GIT. This GIT provides significant coordination of the adaptive management system cycle and facilitates the MB's responsibility in overseeing the system. The Enhancing Partnering, Leadership, and Management GIT keeps the cycle of the system on schedule and provides the MB the information it needs to use the system as a management framework and a method for continually improving program performance.

3.3.5. *MB Key Issues and Questions to be Resolved*

Should the GIT Chair/ Vice-Chairs be members of the MB?

The Transition Team has debated two approaches. Some suggest that the GIT Chairs should be members of the MB to foster direct input and to enhance coordination across the GITs. Others suggest that the MB's role is to guide and oversee the GITs and therefore GIT Chairs should not be members of the MB. The recommendation of the Transition Team is to strive for having GIT chairs that are not members of the MB however, where individuals are not forthcoming to fill all MB and GIT leadership positions, the same person can chair a GIT and represent their agency on the MB. When attending an MB meeting as a member, a GIT chair is representing the jurisdiction or agency they are assigned to represent on the MB unless the agenda or the topic at-hand requires them to represent the GIT that they chair.

Sector and Nongovernment Organization Representatives (at-large members with standing invitation)

*The Transition Team proposes that the concept of sector/NGO MB
members as listed below be removed due to concerns over the ability of
one person to fairly represent an entire sector. In addition, the Transition
Team feels that important sector perspectives can be gained through
advisory committees, GIT strategic operations and Action Teams as
needed. This issue is to be considered by the MB at the March 2009 MB
meeting.*

  Agricultural representative
  Development representative
  Waste Water Treatment facilities representative
  Private Funding Network representative
  Non-government organization representative
  Biological/Ecological viewpoint representative

What is different from existing structure?

The MB replaces the Implementation Committee (IC) with more robust
operating procedures and clarified roles. The adaptive management
system framework specified in the CAP provides new approaches to the
systematic alignment of strategic priorities and the resources of the
partnership and reviewing progress to improve accountability of the
meeting goals. This new structure clarifies the role of Headwater States
and adds core Federal agencies.

How will transition occur?

Prior to the switchover to the new structure, a request will be made to the
PSC for nominations for MB members. At the first meeting of the MB,
the MB is expected to constitute itself and adopt the CBP governance
document while noting outstanding organizational issues that require
continued analysis and discussion. The MB will approve the GIT chair
and vice chair appointments. The chairs and vice chairs will be
responsible for coordinating membership and convening the GITs.

3.4. Goal Implementation Teams
3.4.1. Generic Description of Goal Implementation Teams
3.4.1.1. *GIT Mission*

The GITs are intended to focus and drive implementation to achieve
very explicit progress and results within the scope of their goal area.
The GIT goal area scopes are consistent with the broad goals of
Chesapeake 2000, except that a sixth goal has been added to support
the MB with coordination and management of the overall CBP. The
six GITs are:

- Protect & Restore Fisheries
- Protect & Restore Vital Aquatic Habitats
- Protect & Restore Water Quality
- Maintain Healthy Watersheds
- Foster Chesapeake Stewardship

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- Enhance Partnering, Leadership, & Management

3.4.1.2. *GIT Key Functions and Responsibilities*

The table below provides a description of the functional responsibilities by GIT position.

Position	Functional description
Chair	The presiding officer of an organizational unit. The chair is responsible for the overall strategies and performance of the unit. Includes responsibilities for facilitating meetings, planning work activities, development of dashboard performance metrics, aligning partner resources with program priorities, representing the unit in various forums, and continually improving unit performance through the adaptive management system. Chair's serve a two year term unless circumstances require an extension.
Vice-chair	An officer of an organizational unit designated as immediately subordinate to a chair. The vice-chair provides assistance to the chair and serves as chair in the chair's absence. The vice-chair rotates into the chair position at the end of the chair's term unless otherwise decided by the MB.
Member	An individual who actively participates in the operations of an organizational unit. Members are responsible for using subject matter expertise and home-agency authorities to advance the effectiveness of the group and to accelerate the accomplishment of restoration activities.
Coordinator	An individual who provides direct support to the chair and vice-chair with regard to planning and facilitating unit activities, tracking performance, coordinating with other GITs, and other duties related to conducting the day-to-day business of the organizational unit.
Staff Support	An individual who provides direct support to the chair, vice-chair, and coordinator including program support, research and synthesis support, activity tracking, meeting organization, member coordination and communication, and other projects and administrative duties as assigned. Staff support is provided though a competitive cooperative agreement issued by EPA CBPO to a non-government organization (currently awarded to the Chesapeake Research Consortium for the Environmental Management Career Development Program). Each staffer serves a three-year appointment.

Goal Implementation Team Management System Functions and Responsibilities

Certain functions and responsibilities will be common to all of the GITs as the adaptive management system is institutionalized. The examples below are described in the context of the adaptive management system specified in the CAP and described in section 1.5 (Figure 4) of this document. The adaptive management system provides an iterative cycle of planning, reviewing, learning and

adjusting that will drive continual improvement of CBP performance. The following GIT functions relative to the adaptive management system are provided as a starting point in determining how the CBP will institutionalize the management system approach.

Develop Strategy

- Provide input to the MB on revisions of CBP mission, vision, values and strategic analyses such as analyses of program strengths, weaknesses, opportunities and threats for respective CAP goal strategy.
- Develop/refine the explicit goal strategy following a two-year planning timeframe including the goals, topic areas, milestones and desired results for the achievement of the CBP mission and vision jointly with the MB. The CAP contains the goal strategies developed for the Report to Congress (July, 2008).
- Establish and oversee implementation workgroups as needed to coordinate efforts on a particular priority area.
- Agree on scope, measures and implementation actions needed to achieve particular results.

Translate Strategy

- Within the scope of the GIT goal area, use input from the MB and data from dashboards and the CAP Activity Integration Plan to establish strategic priorities within the goal area that address the root cause of the environmental problem and offer the highest return on investment.
- Use the CAP to identify detailed activity plans with corresponding responsibilities for implementation including lead partner organization, use of EC champions, and due dates for activities. The CAP database will serve as a critical means of coordination of Partner activities.
- Coordinate with TSS unit to ensure that environmental monitoring, modeling, targeting, and data analysis support is sufficient to carry out strategy execution.
- Develop enhanced management dashboards that articulate performance measures, current progress, and expected progress, to use in tracking work plan progress. The CAP Report to Congress framed 13 initial management dashboards.

Plan Operations

- Work with partner agencies to promote implementation of the GIT's strategies and align agency resources with strategic priorities to the greatest extent possible without infringing on the sovereign budget and programmatic authorities of partner organizations.

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- Ensure that sufficient resources are committed to achieve planned activities in the context of partner collaboration, not dictating how partners will manage their own resources.
- Provide guidance to any workgroups that are established as well as to the Technical & Support Services group to achieve planned activities.

Execute Strategies
- Perform an active role in completing planned actions as a CBP team and within the limits of the team's ability to influence the operations of home-agencies.
- Members work together in order to support each other in overcoming implementation challenges.

Monitor and Learn
- Report on progress toward achieving goals in the GIT focus areas using metrics defined in the CAP dashboards and other metrics as may be agreed upon.
- Identify barriers to achieving goals as well as opportunities for accelerating progress toward goals, and provide recommendations for corresponding MB action.

Test and Adapt Strategy
- Report on progress toward achieving activities specified in the GIT's work plan.
- Recommend strategic shifts needed for the next annual planning period.
- Provide assessment of environmental response to the extent it can be measured and correlated to completed activities using analytical products generated in coordination with the TSS unit.

3.4.1.3. _GIT Leadership and Membership_

Each GIT has one chair and one vice chair. While the chair or vice chair can be federal, state, or other organization (e.g., NGO), at all times either the chair or vice-chair is federal or state. The chair will not be a member of the MB but will serve in an advisory capacity to the MB on a regular basis. The term limit for GIT leaders is two years, unless circumstances require that the term be extended.

The GIT chair is responsible for coordinating with the MB on strategic plans for achieving high-priority restoration outcomes as well as periodically providing updates to the MB on progress and roadblocks encountered. The MB works closely with GIT leaders while also empowering them to have the greatest discretion possible over short-term adjustments to execution of strategic plans to allow quick

adaptations to changing internal and external circumstances. The criteria used for selecting GIT leadership includes the ability to make decisions and commitments related to a significant resource (e.g., people, programs, authorities, dollars) that is targeted to the GIT topic area, empowering the leader to more effectively represent the GIT.

When in a leadership position, a Federal chair or vice-chair represents the full spectrum of Federal agencies' interests to the team. With that comes the responsibility of communicating and coordinating with Federal partners working on the goals and facilitating expression of all federal partners' interests. In assuming chair or vice-chair responsibilities, Federal agencies should consider this aspect of their responsibility, which goes beyond the traditional mode of simply representing the interests of only their agency. The chairs and vice-chairs shall be individuals representing agencies with significant authority in that GIT's topic areas and those individuals should be at a level within their agency that they have significant role in directing resources.

Each of the CAP GITs will have the following membership:
    State representatives
    Federal Representatives
    Goal Advocates: NGO and/or University representatives
    Other experts and stakeholders

Goal Advocates
Goal advocates are representatives from non-government organizations (NGO) or academia. They are assigned to a GIT according to their organization's mission and interests. Possible goal advocates could include:
- Protect and Restore Fisheries - Ocean Conservancy
- Protect and Restore Vital Aquatic Habitats - Ducks Unlimited
- Restore Water Quality - Southern Environmental Law Center or Chesapeake Bay Foundation
- Maintain Healthy Watersheds - Center for Watershed Protection, Trout Unlimited, or Isaac Walton League
- Foster Chesapeake Stewardship – The Conservation Fund
- Enhance Partnering, Leadership, and Management - Adaptive Management expert (e.g., DOI expert)

3.4.1.4. *GIT Operations*
The default operating procedures are listed under General Operating Procedures.

Meetings

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- Meetings should be held only when there is a task that requires a group effort.
- An agenda and decision documents are circulated at least 14 days before the meeting.
- Agenda should spell out specific goals for meeting with time limits for each item.
- Chair runs the meeting, is responsible for maintaining the schedule and tables discussions that are not on the agenda.
- The chair must make a commitment to set ground rules and take an active role in guiding the discussions.
- The end of the meeting can be spent on brainstorming items for the next meeting agenda and reviewing date, time and location for the next meeting. Tabled discussions can be discussed as possible agenda items for future meetings.
- To ensure broad participation, the leader must be aware of the need for meeting processes that encourages all to express opinions and ideas.
- Focus must be put on the CBP management system and the CAP.
- Minutes are recorded and circulated to members for comment within 15 days of meetings.
- Minutes are accepted as final at the subsequent meeting.
- Chair persons should conduct evaluations periodically to make sure meetings are productive and make a good use of peoples' times.

Reporting, Accountability and Performance Metrics

The Chair is responsible for maintaining a clear sense of purpose, a detailed action plan, specific performance goals, and reporting on metrics that monitor performance. Performance metrics must be related to environmental outcomes as well as organizational performance and the completion of planned activities. In most cases, measures should be tied to the CAP and adaptive management system dashboards and be made available to the public to promote clear accountability under the lead of the GIT for Partnering, Leadership and Management.

Budgeted Resources

It is the responsibility of the MB and the GITs to plan operations so that there are sufficient dollars and/or other resources to complete the activities that are designated in action plans to the greatest extent possible without infringing on the sovereign budget and programmatic authorities of partner organizations. Activities and related resource budgets are to be reflective of the priorities established by the EC and the MB.

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Staffing and Support
- Pending a decision to be made by the chair and EPA CBPO Director, an EPA CBPO Coordinator will be available to the EC, PSC, MB, the TSS unit and each of the GITs.
- EPA CBPO staff will also provide administrative support in the areas of budget, facilities, administrative office tasks and meeting planning.
- Support to Action Teams will be decided on a case-by-case basis.
- All partners are encouraged to provide administrative support to assist in program functions.

3.4.1.5. *GIT Key Issues and Questions to be Resolved*
What is different from existing structure?
The GITs replace and reorganize the pre-existing Subcommittees and focus on implementing specific actions and strategies outlined in Chesapeake 2000 and the CAP.

3.4.2. *Protect and Restore Fisheries*
3.4.2.1. *Mission*
Restore, enhance and protect the finfish, shellfish and other living resources, their habitats and ecological relationships to sustain all fisheries and provide for a balanced ecosystem in the watershed and Bay.

3.4.2.2. *Key Functions and Responsibilities*
Work with state and federal agency partners to advance ecosystem based fisheries management in the Bay. The CAP identifies these six focus areas to this GIT, with desired results and strategies for each:
- Effective Fisheries Ecosystem-based Planning and Management
- Increased Oyster Population (Interim Management)
- Increased Blue Crab Population (Interim Management)
- Increased Striped Bass Population (Interim Management)
- Increased Alosine Populations (Interim Management)
- Increased Menhaden Population (Interim Management)

3.4.2.3. *Operations*
The GIT will address leadership, membership, decision-making, meetings, reporting and accountability, budgeted resources, and staffing and support. The operating procedures are in section 3.4.1.4 are intended to guide the early efforts of the GITs, realizing that each will achieve its own effective operations and culture.

3.4.3. *Protect and Restore Vital Habitats*
3.4.3.1. *Mission*

Restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Bay and its rivers.

3.4.3.2.*Key Functions and Responsibilities*

Promoting significant federal, state, local, and nongovernmental participation in large- and small-scale restoration efforts in targeted areas, combined with both incentive and grant programs for restoration on private lands, and government-sponsored restoration on public lands. The CAP identifies these four focus areas, with desired results, for habitat restoration:

- Healthy and Abundant Migratory Fish Habitat
- Healthy and Abundant Submerged Aquatic Vegetation (SAV)
- Healthy and Abundant Wetlands
- Restore Stream Health

3.4.3.3.*Operations*

The GIT will address leadership, membership, decision-making, meetings, reporting and accountability, budgeted resources, and staffing and support. The operating procedures are in section 3.4.1.4 are intended to guide the early efforts of the GITs, realizing that each will achieve its own effective operations and culture.

3.4.4. *Protect and Restore Water Quality*

3.4.4.1.*Mission*

Provide guidance to the MB and to Bay Program partner organizations regarding effective ways to achieve the water quality goals.

3.4.4.2.*Key Functions and Responsibilities*

- Develops strategies; translates those strategies into actions; plans its operations; monitors progress; and adapts to what it has learned as detailed in the Functions and Responsibilities common to all GITs as described in section 3.1.2.
- These strategies are intended to optimize, leverage, target and apply the actions of the federal, state and local agency partner agencies for reducing pollutants.
- This GIT contributes to the overall effort by tracking and reporting on progress toward pollutant load reduction and water quality improvement goals and through discussion and analysis of data providing its recommendations regarding the most effective uses of resources.
- The CAP assigns certain desired results, listed below, for topic areas that the Water Quality GIT should focus on:
  o Reduced Loads from Municipal and Industrial Wastewater
  o Reduced Loads from Agricultural Lands and Animal Operations
  o Reduced Loads from Developed Lands

- o Reduced Loads from Onsite and Septic Systems
- o Reduced Loads from Streamside and Tidal Shoreline Riparian Areas
- o Reduced Sediment Loads from Stream banks and Tidal Shorelines
- o Reduced Loads from Air Emissions
- o Reduced Acid Mine Drainage Impacts on Stream Nutrient Cycling
- o Reduced Chemical Contaminant Loads

3.4.4.3. *Operations*

The GIT will address leadership, membership, decision-making, meetings, reporting and accountability, budgeted resources, and staffing and support. The operating procedures in section 3.4.1.4 are intended to guide the early efforts of the GITs, realizing that each will achieve its own effective operations and culture.

3.4.5. *Maintain Healthy Watersheds*

3.4.5.1. *Mission*

Develop, promote, and achieve sound land use practices that protect watershed resources and water quality, maintain reduced pollutant loadings to the Bay and its tributaries, and restore and preserve aquatic living resources.

3.4.5.2. *Key Functions and Responsibilities*

- • Develops strategies; translates those strategies into actions; plans its operations; monitors progress; and adapts to what it has learned as detailed in the Functions and Responsibilities common to all GITs as described in section 3.4.1.2.
- • These strategies are intended to optimize, leverage, target and apply the actions of the federal, state, and local agency partner agencies to protect watershed ecological resources, maintain reduced pollutant loadings, and restore and preserve aquatic living resources.
- • This GIT contributes to the overall effort by facilitating, coordinating, tracking and reporting on progress toward protection of watershed resources that maintain water quality and preserve aquatic living resources.
- • The CAP assigns certain desired results, listed below, for topic areas that the Maintain Healthy Watersheds Team should focus on. Strategies to achieve these desired results are described in the CAP.
  - o Preserved Valuable Resource Lands
  - o Minimized Conversion of Forest, Wetlands and Working Farms

      o   Minimize Impacts to Pre-Development Hydrology

  3.4.5.3.*Operations*
       The GIT will address leadership, membership, decision-making, meetings, reporting and accountability, budgeted resources, and staffing and support. The operating procedures are in section 3.4.1.4 are intended to guide the early efforts of the GITs, realizing that each will achieve its own effective operations and culture.

3.4.6.   *Foster Chesapeake Stewardship*
  3.4.6.1.*Mission*
       Promote individual stewardship and assist individuals, community-based organizations, businesses, local governments and schools in undertaking initiatives to achieve Bay restoration goals and take ownership of a shared vision

  3.4.6.2. *Key Functions and Responsibilities*
- Develops strategies; translates those strategies into actions; plans its operations; monitors progress; and adapts to what it has learned as detailed in the Functions and Responsibilities common to all GITs as described in section 3.4.1.2.
- These strategies are intended to optimize, leverage, target and apply the actions of the federal, state, and local agency partner agencies to enhance public access, develop educational and interpretive materials, and increase citizen and community action through innovative engagement programs.
- This GIT contributes to the overall effort by facilitating, coordinating, tracking and reporting on progress toward increased public access points, increased numbers of educational opportunities, increased breadth of programs advancing citizen and community engagement.
- The CAP assigns certain desired results, listed below, for topic areas that the Maintain Healthy Watersheds Team should focus on. Strategies to achieve these desired results are described in the CAP.
  - Enhanced public access
  - High-quality Bay watershed education
  - High-quality interpretation of the watershed and its value
  - Increased citizen and community engagement

  3.4.6.3. *Operations*
       The GIT will address leadership, membership, decision-making, meetings, reporting and accountability, budgeted resources, and staffing and support. The operating procedures are in section 3.4.1.4 are intended to guide the early efforts of the GITs, realizing that each

will achieve its own effective operations and culture.

3.4.6.4. *GIT Key Issues and Questions to be Resolved*
What is different from existing structure?

> This GIT combines the stewardship functions from the former
> subcommittee "Land Growth and Stewardship" with the education
> functions from the former subcommittee "Communication and
> Education" to allow for more efficient resource alignment
> within education initiatives. It also creates a new center for needed
> skills such as economics, finance, and market based approaches.

3.4.7. *Enhancing Partnering, Leadership and Management*
3.4.7.1. *Mission*

Continually improve the leadership and management of the CBP
Partnership and assist Bay stakeholders in building their capacity to
become environmental leaders in their communities.

3.4.7.2. *Key Functions and Responsibilities*

- Coordinates the program-level adaptive management system
  and assists the GITs in the management system cycle as
  described in section 3.4.1.2.
- The CAP assigns certain desired results, listed below, for topic
  areas that the Partnering, Leadership and Management Team
  should focus on. Strategies to achieve these desired results are
  described in the CAP.
- Effective infrastructure systems
- Responsive and effective organizational management
- Effective coordination, accountability, and evaluation
- Effective reporting on health and restoration progress and
  results
- Effective grants, contracts, and inter-agency agreements

3.4.7.3. *Operations*

The GIT will address leadership, membership, decision-making,
meetings, reporting and accountability, budgeted resources, and
staffing and support. The operating procedures are in section 3.4.1.4
are intended to guide the early efforts of the GITs, realizing that each
will achieve its own effective operations and culture.

3.4.7.4. *Key Issues and Questions to be Resolved*
What is different from existing structure?

> This new organizational unit has been created to serve as a focal
> point for leadership and management responsibilities and
> initiatives. This GIT has been charged with routine operational
> issues such as infrastructure, grants/contracts, and the Health and

Restoration reports. They are responsible for coordinating leadership and management tools such as the adaptive management system, program accountability through performance metrics, and environmental leadership building in partner organizations and the public. Formation of this new organizational unit shows a commitment to continued excellence in the strategic management of the program and it is forward looking in that it recognizes the need for creating new leadership skills in both environmental managers and the public to advance Bay restoration.

3.4.8. *Implementation Workgroups*

Each of the GITs is likely to commission specific implementation workgroups that are responsible for the critical work of the GIT for particular priority areas.

3.5. Technical and Support Services

3.5.1. TSS Mission

Provide an on-going technical and policy assessment, using an adaptive-management approach, to support GITs and other technical needs of the CBP.

3.5.2. *TSS Key Functions and Responsibilities*

- Support other units of the CBP organization by providing assessment, data management, modeling, monitoring, technical analysis and website.
- Develop decision-support and web-based tools to help GITs access and use CAP information in an adaptive-management framework.
- Develop annual information needed to update environmental indicators for CBP health and restoration assessment. Interact with communications staff to prepare assessment.
- Conduct integrated assessments of relation between implementing management actions and ecological improvement to support adaptive-management framework and decision-making. Some support functions are on going without specific requests from GITs or the MB. These include:
  - Data management in the CBPO campus Data Center
  - Geospatial Information Systems service
  - Managing on-going monitoring programs
  - Maintenance of the www.chesapeakebay.net website
  - Receive specific requests for assistance from any of the other units of the CBP organization. Guidance for setting priorities in responding to requests comes from the MB.

3.5.3. *Leadership and Membership*

Leadership for the TSS is to be determined following the same process used for GITs. Membership in the TSS is drawn from the CBP Office in

Annapolis and other core federal agencies, states, NGOs, and universities. Each state and federal agency brings its own resources to varying degrees to support the restoration and shares leadership. An important distinction here is that coordination, leadership, infrastructure and governance for the CBP restoration will be managed by the MB with support from the Enhancing Partnering, Leadership and Management GIT. CBP Technical Services provides the on-going technical and policy support for the CBP, but coordination and communication for the CBP restoration will be managed by the Enhancing Partnering, Leadership and Management GIT.

3.5.4 *Operations*

Due to the variety of functions assigned to the TSS group, significant deliberations are needed following the identification of the TSS chair and vice-chair. The TSS leaders will determine the most efficient operational approach while considering the need for the entire group to meet as opposed to relying mainly on the individual functional groups to meet to coordinate activities.

3.5.5. *Key Issues and Questions to be Resolved*
What is different from existing structure?

3.6. Action Teams

Action Teams will be established by the MB as needed to meet very explicit and short-term needs or products. Generally, an Action Team is also appropriate for an issue that does not appropriately reside within the context of a particular GIT. Examples of Action Teams that have been identified by the MB include:

- Two-Year Milestones and End Date Action Team
- Independent Evaluator scope and Implementation Action Team

3.6.1. *Mission*

Provide focused analysis of a specific problem defined by the MB that results in recommendations for resolving the problem.

3.6.2. *Key Functions and Responsibilities*

- An Action Teams is created by the MB to address a problem that requires special expertise and/or is subject to special time pressure such that existing GITs are not the best mechanism for addressing it.
- Assemble a team of individuals with expertise relevant to the problem this team is to address.
- Adopt/adapt operating procedures (i.e. meetings, subgroups, decision-making) to meet the MB's objectives (deliverables and timetable) for action on this problem.
- Conduct analysis of the problem.
- Report to the MB with recommendations or options for resolving problem.
- Go out of business after reporting to the MB

3.6.3. *Leadership and Membership*

Leadership of the Action Team will be determined by the MB. The leadership of the Action Team will determine the membership in consultation with the MB and will be guided by the skill sets required to address the issue the Action Team is to address. Members will be drawn from volunteers as well as from targeted invitations at the discretion of the leader.

3.6.4. *Operations*

Each Action Team shall have its own operating procedures. The default operating procedures are in Section 3.4.1.4. and will be in force until the Action Team adopts new procedures. Special considerations for Action Team operating procedures include that:

- They are charged with a specific mission and strategic priorities by the MB
- Staffing will be dependent on the mission
- Action Teams dissolve when mission is accomplished
- Presenting work products and findings to the MB

3.6.5. *Key Issues and Questions to be Resolved*
What is different from existing structure?

Action Teams are new to the CBP structure. Action Teams are meant to fill the need in the CBP for short-term, outcome driven teams that will address critical and timely issues. The Action Teams were created in the context of adaptive management and will promote the CBP's flexibility to adapt to changing science and trends.

3.7. Advisory Committees

3.7.1. *Generic Description of Advisory Committees*

3.7.1.1. *Mission*

The three Advisory Committees provide independent perspectives from critical stakeholder groups and strengthen the natural and social science basis for Bay restoration activities. The Advisory Committees are the independent thinkers and advisors to the EC, PSC and MB.

3.7.1.2. *Key Functions and Responsibilities*

- Actively make independent recommendations to the EC, PSC and MB
- As advisors, participate in EC, PSC and MB meetings
- Establish annual goals and deliverables that support the strategic priorities of the CBP
- Actively collaborate with the MB and share progress on annual goals and deliverables
- Report directly to the EC but collaborates with the MB to establish strategic priorities

- Provide support to CAP Implementation GITs and Action Teams requests for policy, scientific and technical input as allowed by the limited time that members are able to apply
- Strategic priorities and focus areas for the Advisory Committees should be developed in concert with the MB while considering the full range of possible specific roles listed in the committee-specific sections below.

3.7.1.3. *Leadership and Membership*

Membership for each of the Advisory Committees is outlined in the individual by-laws of the Advisory Committees.

3.7.1.4. *Operations*

Operational details for each of the Advisory Committees are outlined in the individual by-laws of the Advisory Committees.

3.7.1.5. *Key Issues and Questions to be Resolved*
What is different from existing structure?

The role of the Advisory Committees has been clarified in the new organizational structure establishing that CAC and LGAC are full voting members of the MB. STAC will attend meetings of the MB but will not vote in order to preserve its independent role.

3.7.2. *Local Government Advisory Committee*
3.7.2.1. *LGAC Mission*

Enhance the participation of local governments in the Bay restoration effort.

3.7.2.2. *LGAC Key Functions and Responsibilities*

- Improve communication among local governments and the CBP
- Supply technical assistance to local governments
- Provide a local government perspective on policy development
- Advise the EC on how to most effectively, equitably, and expeditiously implement the projects and other actions required to engage the support of local governments to achieve the goals of the CAP
- Develop and execute strategy to ensure continued local government participation and input in the design, development and implementation of programs to protect and improve the Chesapeake Bay
- Identify communities and officials who must be involved in the improvement and protection of the Bay
- Develop a strategy that will encourage willing participation by local governments in the CBP
- Educate local governments concerning the CBP and promote cooperative local or regional efforts where appropriate

- Encourage cross-fertilization of experiences among local governments (technology transfer)
- Assist local governments to find technical and financial support to meet their responsibilities under the CBP
- Provide input concerning the development of draft commitment strategies
- Comment on draft commitment strategies. Monitor implementation of commitment strategies
- Coordinate and work with GITs

3.7.2.3. *LGAC Leadership and Membership*
For details regarding leadership & membership, refer to the LGAC bylaws.

3.7.2.4. *LGAC Operations*
LGAC has established operations procedures in its bylaws.

3.7.2.5. *LGAC Key Issues and Questions to be Resolved*

3.7.3. *Citizens Advisory Committee*
3.7.3.1. *CAC Mission*
Provides a non-governmental perspective on the Bay cleanup effort and how CBP policies affect citizens who live and work in the Bay watershed while facilitating public participation in restoration efforts.

3.7.3.2. *CAC Key Functions and Responsibilities*
With consideration of CBP priorities, CAC sets their own annual priorities and workplans. These workplans may include elements of the following:
- Provide forums for input from citizens that represent agriculture, business, conservation, industry and civic groups
- Advise the EC and PSC
- Provide collective input of the CAC on all aspects of the restoration.
- Help the CBP gain public input and support
- Serve as a special communication link with the stakeholder communities represented by individual CAC members
- Participate with and contribute to the work of the CBP organizational units
- Influence legislators and others external to the CBP to act effectively on behalf of the Bay
- Enhance collaboration among all participants to CBP including younger Bay stakeholders through the Young Delegates program
- Additional tasks can be set before the committee at the request of the EC or at the suggestion of individual committee

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members

3.7.3.3. *CAC Leadership and Membership*
Details on leadership and membership requirements can be found in CAC bylaws.

3.7.3.4. *CAC Operations*
CAC operating procedures are specified in the bylaws.

3.7.3.5. *CAC Key Issues and Questions to be Resolved*

3.7.4. *Scientific and Technical Advisory Committee*
3.7.4.1. *STAC Mission*
The Scientific and Technical Advisory Committee (STAC) provides scientific and technical advice to the CBP on natural and social systems and their likely response to actions to restore and protect the Chesapeake Bay.

3.7.4.2. *STAC Key Functions and Responsibilities*
- Enhance scientific communication and outreach throughout the Chesapeake Bay watershed and beyond
- Produce technical reports and position papers
- Provide forums for discussion groups on specific technical issues
- Organize merit reviews of CBP programs and projects
- Support for technical conferences and workshops
- Service by STAC members on CBP subcommittees and workgroups
- Liaison between the scientific/engineering community and the CBP
- Through professional and academic contacts and organizational networks of its members, ensure close cooperation among and between the various research institutions and management agencies represented in the Bay watershed

3.7.4.3. *STAC Leadership & Membership*
For details on leadership and membership refer to the STAC bylaws.

3.7.4.4. *STAC Operations*
STAC has established operational procedures in its bylaws.

3.7.4.5. *STAC Key Issues and Questions to be Resolved*

3.8. *Independent Evaluator*
3.8.1. *Mission*
The CBP is seeking to increase the accountability and effectiveness of Bay restoration efforts. The EC endorsed the PSC recommendation to create an

independent entity that will monitor the performance of the CBP and hold it accountable.

At the November 20th, 2008 Chesapeake EC meeting, members announced that a national scientific organization under a contract with EPA, will serve as an independent scientific and programmatic evaluator of the CBP to help the program accelerate Bay restoration and increase accountability of goal implementation.

The Independent Evaluator is expected to assess implementation progress, identify shortcomings and barriers and recommend solutions that will assist the Bay Program and its partners to accelerate Bay restoration and increase accountability of goal implementation. The evaluator would choose a diverse and distinguished panel of scientists, policy experts and program specialists.

At the November 18, 2008 CBP Partners Meeting, an Action Team was created to scope out the mission and process for the Independent Evaluator, subject to the approval of the MB and PSC. The Action Team will also consider how the Independent Evaluator will be managed and how it will work with STAC while maintaining a level of independence in executing the evaluation function. Jeff Horan of the Maryland Department of Natural Resources will chair the Action Team.

3.8.2. *Key Functions and Responsibilities*
To be determined by the Independent Evaluator Action Team.

3.8.3. *Leadership and Membership*
To be determined by the Independent Evaluator Action Team.

3.8.4. *Operations*
To be determined by the Independent Evaluator Action Team.

4. Communication and Outreach
4.1. *Communication to the Partnership*
A variety of communications tools and forums are used to solicit input on the governance of the program and to promote the involvement of partner organizations in decisions related to governance. Both the ad hoc Reorganization Workgroup and the Transition Team have been formulated to provide cross-program representation in the development of the organizational structure and governance. Reviews of the overall approach and timeline to complete the transition to the new structure are provided at meetings of the interim partner group and the PSC during the transition period. Updates are provided at all-hands meetings of the CBPO campus and through the Bay Briefs newsletter. The transition process includes a multi-week stakeholder review and comment period when the governance document is to be posted on the CBP website and

comments are solicited broadly from across the partnership. The Transition Team chairs conduct in-person briefings for partner organization managers both proactively and as requested.

4.2. *Integration to the CBP Website*
The CBP website presents a significant amount of information related to the structure and activities of the CBP organizational units. Following full ratification of the structure and governance procedures by the MB, a plan for revamping the website content will be developed and executed by staff at the CBPO. The revised website content will provide the same or greater amount of information related to organizational unit mission, leadership, membership, and planned activities as it has in the past.

5. **Implementation, Ongoing Revision and Adaptation**
This Governance Document is intended to frame the basic structure, roles and procedures for the CBP Organization.   Many questions and issues are anticipated and will be answered as the new organization begins to function. As such, this governance document will continue to expand and evolve over time. This is the essence of adaptive management.

Implementation of the new organization will occur with a multitude of concurrent efforts, including:
- Continuing to enhance this Governance Document
- Announcing the launch of the new organization
- Developing a comprehensive implementation plan with the Transition Team
- Adopting the Governance Document at the first MB meeting
- Conducting training for GIT Chairs and Coordinators
- Conducting meetings of the GITs and other organizational units to begin developing planned activities, performance measures and alignment of resources

6. **Frequently Asked Questions**
(proposed section or Appendix to address the key questions that arise from the new organization)

Appendices

Appendix 1 - Information on Scope of Work - Facilitation and Organizational Development Support for Implementation of the Chesapeake Bay Program Reorganization

Background
- CBP is regarded as one of the premier watershed efforts
- Robust history dating back to 1983
- Reflects a substantial partnership with Federal, States, locals, etc.

- Previous organization and governance structure has evolved and grown to include an EC, eight Committees, three Advisory Committees, 10 subcommittees and nearly 30 working groups/task forces
- Despite this robust structure, much of the governance issues (members, roles, responsibilities) were never committed to paper
- Bay Program has been criticized by some as being bureaucratic, predominated by meetings, lackluster, cumbersome, inefficient, etc.
- The Principal's Staff Committee (PSC) commissioned an ad hoc group to consider options for improving the organizational and governance structure of the Bay Program.
- In September 2008, the Principals' Staff approved a reorganization structure for the Bay Program
- A "transition team" has been established to further define the details of the reorganization and to develop a transition/implementation plan

Objectives of the Facilitation and OD Support
- Provide "third party" support to identify, understand and resolve organization and substantive program and policy issues
- Assist with development of options and solutions to organizational governance, including development of critical documentation or roles, responsibilities, etc.
- Help determine the range and appropriate use of various decision models to support the effective operation of the Bay Program
- Assist with assessing and determining the appropriate staffing and training needs to optimize success of the reorganization
- Assist with determining how the reorganization can foster greater emphasis on implementation, coordination and accountability
- Assist with determining how "adaptive management" of the Chesapeake Action Plan will be optimized in the CBP organization

Scope of Work and Deliverables
The Contractor will perform the following tasks:
- Provide immediate and independent perspective and assistance to the Transition Team's efforts to frame the governance of the CBP reorganization
- Conduct ongoing and neutral discussions with key partners to independently assess and define the organizational and governance issues
- Frame Options for Improving the Organizational Effectiveness of the CBP.
- Identify staffing, training and other needs to ensure successful transition and implementation of the organization.
- Provide training or help to identify appropriate providers of training.
- Identify methods of measuring the impact of the new organization structure on the organizational environment and the satisfaction of members

Deliverables

- Substantive input on key governance issues to improve the Governance document.
- On-site facilitation of critical meetings of the Management Board and Goal Implementation Teams as determined appropriate
- Proposed training plan for partners and stakeholders

Appendix 2 - Advisory Committee Bylaws
　　　CAC- http://archive.chesapeakebay.net/pubs/subcommittee/cac/CAC_Bylaws.pdf
　　　LGAC- http://archive.chesapeakebay.net/pubs/subcommittee/lgac/bylaws.pdf
　　　STAC- http://www.chesapeake.org/stac/bogs2005.pdf

Appendix 3 - Transition Team materials

　　　Example actions by the Transition Team to build out this Governance Document

1. Draft mission and functions for each box on new org chart.
   a. General functions that apply to all groups that reflect the management system cycle.
   b. Specific functions for each group using Chesapeake Action Plan as guide.
   c. Review mission/functions of current subcommittees to identify critical tasks not captured in (b). Note that this step is specifically intended to capture critical tasks that may have been missed in the CAP document and is NOT intended to transfer every task from the old structure to the new.
2. Draft operating procedures, including decision-making process (as), meeting guidelines, which other group(s) provide direction, membership, tracking and reporting of performance. Procedures document should take into account an adaptive management approach by including reference to a periodic review of mission and past performance, and adjustments to improve future performance.
3. Draft competencies for leaders and members of Management Board (MB), Goal Implementation teams (GIT), Technical Services and Support (TSS), and Action Teams.
4. Identify and recruit leaders for MB, GIT and TSS.
5. Review mission statements for current workgroups, compare to functions for GIT and TSS, and make provisional decision about disposition of each workgroup (GIT, TSS, Action Team, or disband).
6. Provide Management Board and stakeholders a draft document describing missions, functions and leadership of units in new structure plus disposition of existing subcommittees and workgroups. (end of January).
7. Working with team leaders and stakeholders, identify members for teams.
8. Workshop for team Chairs and Coordinators to coordinate on new operating procedures and management cycle responsibilities. (early February)
9. Work with CBPO website team to develop plan for representing new organization structure in website (calendar, documents and other content must be linked into new structure).

10. Revise provisional mission statements, functions, etc., to take into account comments received. (mid February)
11. Work with team Leaders and CBPO coordinators to arrive at specific dates for transition.

Appendix 4 - Role of the Headwater States

Review Draft (12-18-08)

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Dear Headwater State Partners,

At the September 22, 2008 Principal Staffs' Committee (PSC) meeting, questions arose regarding the role of Headwater States in the Chesapeake Bay Program, specifically regarding the status of their input when discussing key PSC initiatives. The issue was prompted by the proposed reorganization of the Bay Program and Partnership and the discussion of new clean-up deadlines, milestones and self-imposed contingencies. The purpose of this letter is to clarify the role of the Headwater States in the Chesapeake Bay Program.

Since the September 22 PSC Meeting, Bay program staff have carefully reviewed the history of the Bay Program, the variety of agreements signed over the past 25 years and the authorizing language of the Bay Program (Section 117 of the Clean Water Act). While Section 117 of the Clean Water Act clearly defines the term "Chesapeake Executive Council" as meaning the signatories to the Chesapeake Bay Agreement, the history of the Program also shows an increasing acknowledgement of the important role of the Headwater States in the Chesapeake Bay Program.

This increasing acknowledgement of the Headwater states' role, particularly on water quality issues, is clearly captured in the Chesapeake Executive Council Directive No. 04-02 entitled *Meeting the Nutrient and Sediment Reduction Goals.* Following is the key and relevant excerpt from the Directive, which was signed by the original signatories of Chesapeake 2000 and the three headwater states:

"This directive reaffirms that the headwater states may sign the Chesapeake Bay Agreement in its entirety, and thus become Council [EC] members. In the meantime, they will continue to act as full partners with the signatory jurisdictions in carrying out this Directive and all other Chesapeake Bay Program initiatives designed to restore water quality."

After careful thought and research, we are now prepared to clarify the roles and responsibilities of the Headwater States in future PSC, EC and other committee deliberations. The enclosed document provides a brief history of the involvement of Headwater Sates and a clear path forward. The Bay Program Reorganization package will also be revised to provide clarity.

In short, the following actions will apply to discussion of all future Bay Program issues:

1. Headwater States are Full *Partners* on all issues that are clearly water quality related;
2. Headwater States will participate in Executive Council meetings and have full input status on all water quality related matters;
3. Headwater States will have similar status on the Principals' Staff Committee and other Program committees;
4. On water quality decision issues, the Program will continue to strive for consensus, but fully acknowledges that, at times, a partner-by-partner-approach will prove more effective;
5. Headwater States, as prescribed in federal law, are not Full *Members* (i.e. expanding their participation in other non-water quality related issues) unless they sign the *Chesapeake 2000 Agreement*;
6. Full Executive Council membership could be obtained by signing any future document that may replace the *Chesapeake 2000 Agreement* or if the Headwater States' roles and responsibilities are clarified when the Bay Program is reauthorized by Congress; and
7. Given that Headwater States are not Full *Members*, they cannot hold the position of Chairperson of the Executive Council or Principals' Staff Committee, nor can they receive non-competitive implementation grants.

Thank you for your ongoing commitment to the Chesapeake Bay Program and Partnership.

Sincerely,

Jeff Lape, Director
Chesapeake Bay Program

Attachment

Clarifying the Role of the Headwater States in the Chesapeake Bay Program

Key Background
1983-1990 – *Chesapeake Bay Agreements* (1983, 1987, 1990) signed by MD, VA, PA, DC, EPA and CBC

1992 – The *Chesapeake Bay Agreement 1992 Amendments* says, *...cooperative working relationships with the other three basin states (New York/West Virginia/Delaware) in the development of tributary-specific strategies for nutrient reduction."*)

2000 – The *Chesapeake 2000* agreement included the following language: *"Strengthen partnerships with Delaware, New York and West Virginia by promoting communication and by seeking agreements on issues of mutual concern."*

2000-2002 – *Memorandum of Understanding* - All six Governors, the Mayor of DC and EPA agree to work cooperatively to achieve the nutrient and sediment reduction targets

2003 – *Executive Council Directive 03-02, Meeting Nutrient and Sediment Goals* – Five States (NY did not sign), DC, EPA and CBC signed this Directive which says, *"To meet this commitment, the signatories to Chesapeake 2000 reached out to Delaware, New York and West Virginia. For the first time, through a MOU, we have formed a Chesapeake Bay water quality partnership in which all seven jurisdictions in the watershed are engaged."*

2005 - *Chesapeake Executive Council Directive 04-01 - Funding the Restoration of the Chesapeake Bay Watershed.* All six States, DC, EPA and CBC signed the Directive.

2005 - *Chesapeake Executive Council Directive 04-02 - Meeting the Nutrient and Sediment Reduction Goals.* All six States, DC, EPA and CBC signed this Directive, including the following language: *"This directive reaffirms that the headwater states may sign the Chesapeake Bay Agreement in its entirety, and thus become Council [EC] members. In the meantime, they will continue to act as full partners with the signatory jurisdictions in carrying out this Directive and all other Chesapeake Bay Program initiatives designed to restore water quality."*

2007 – *Chesapeake Executive Council Protecting the Forests of the Chesapeake Watershed – 2007 Response to Directive 06-01.* Signed by the six States, DC, CBC and EPA and USDA

Chesapeake Bay Program Funding for the States
- Section 117(e) of the Clean Water Act authorizes EPA to issue <u>non-competitive</u> grants to signatory jurisdictions and Section 117(d) of the Clean Water Act authorizes EPA to issue <u>competitive</u> assistance grants. EPA has used this authority to issue competitive grants to the Headwater States since 2002.

Jurisdiction	Type of Grant	Amount (FY08)
Delaware	117(d)	$275,000
District of Columbia	117(e)	$767,000
Maryland	117(e)	$2,287,000
New York	117(d)	$275,000
Pennsylvania	117(e)	$2,287,000
Virginia	117(e)	$2,287,000
West Virginia	117(d)	$275,000

Issues Associated with Headwater States Role in the Chesapeake Bay Program
Advisory Committees' Representation – CAC and LGAC do not currently include representatives of the Headwater States. STAC expanded its membership to include scientists from DE, NY and WV. *(when did this occur?)*.

Chesapeake Bay Commission - The Commission began in 1980 as a Bi-State Commission of (MD and VA), and expanded to include PA in 1985. DC is not a member of the Commission. Inclusion of any additional jurisdictions is solely up to CBC.

Resource Implications and Competition – Involvement of Headwater States raises the question of available implementation monies.

Responsibility for their Fair Share - The Headwater States account for approximately 10% of the nutrient and sediment load to the Bay.

How Decisions are Made – Four potential decision models may be appropriate, given the issue/situation: 1) consensus (e.g., everyone can "live with" the decision; 2) Unilateral (one partner decides); 3) Champion (partners make different decisions/approaches with independent evaluation and accountability; 4) Voting (majority or two-thirds rule?)

Consensus is an appropriate decision model where it is necessary to reach agreement among all the Partners. Unilateral decision-making is appropriate where a partner needs to fulfill a sovereign obligation or feels compelled to exercise its authority or prerogative. Champion approaches (a partner-by-partner-approach) will prove more effective, where a decision is needed, but consensus cannot be reached. Independent evaluation allows a third party to assess the progress and results of a champion effort. Voting is useful to gauge the "sense" of the group and verify when "consensus" has been reached. Voting may not be appropriate to impose a majority decision on equal and unwilling partners.

Recommended Option: Restate the Headwater State Role Consistent with Chesapeake Executive Council Directive 04-02 (signed by all six States)

> *"This directive reaffirms that the headwater states may sign the Chesapeake Bay Agreement in its entirety, and thus become Council [EC] members. In the meantime, they will continue to act as full partners with the signatory*

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> *jurisdictions in carrying out this Directive and all other Chesapeake Bay*
> *Program initiatives designed to restore water quality."*

<u>What this means and how it would work:</u>
- Headwater States are not full EC members
- Headwater States will continue to act as "full partners" on "initiatives designed to restore water quality" (Directive 04-02). Such activities would include, for example, setting and implementing nutrient and sediment reduction targets; addressing issues associated with TMDL development and implementation; designing and implementing strategies to meet nutrient and sediment reductions through tributary strategies and other means; collaborating on development and use of innovative measures such as trading; and other topics related to water quality.
- Headwater States are strongly recommended to be represented by Governors at the Executive Council meetings.
- Headwater States would participate in EC Meetings.
- EC Members and the Headwater States would determine the role of Headwater States on particular non-water quality related issues.
- Headwater States are expected to fully participate in PSC, IC/Management Board and Goal Teams/Subcommittees that deal with water quality issues.
- Since Headwater States are not EC members, they cannot serve as Chair of the Executive Council.
- CAC and LGAC should be asked to consider the implications (e.g., costs) of expanding their charters to include Headwater States.

<u>Potential Options for Headwater States Becoming Full EC Members</u>
1) Headwater States Sign C2K
2) Headwater States Sign a new comprehensive Agreement that replaces C2K
3) Reauthorization of CBP (section 117 of the CWA) could clarify when and how Headwater States become full EC Members and provides appropriate implementation and monitoring funding for the Headwater States

Appendix 5 – Chesapeake Executive Council Chairs 1998-2000

Executive Council Chairs 1998-2009	
1998	Governor Parris Glendening - Maryland
1999	Governor Parris Glendening - Maryland
2000	Governor Parris Glendening - Maryland
2001	Mayor Anthony Williams - District of Columbia
2002	Mayor Anthony Williams - District of Columbia
2003	Governor Mark Warner - Virginia
2004	Governor Mark Warner - Virginia
2005	Governor Edward Rendell - Pennsylvania
2006	Governor Robert Ehrlich - Maryland
2007	Governor Martin O'Malley - Maryland
2008	Governor Martin O'Malley - Maryland
2009	Governor Tim Kaine - Virginia

Appendix 6 – Organizational Leadership

Organizational Unit	Chairs	Coordinator	Staff Support
Executive Council	Gov. Timothy Kaine (VA)	Carin Bisland (EPA)	
Principal's Staff Committee	Preston Bryant (VA)	Carin Bisland (EPA)	
Independent Evaluator			
Management Board	Jeff Lape (EPA)	Carin Bisland (EPA)	Matt Robinson (CRC)
Citizen's Advisory Committee	Jim Elliott (Hunton & Williams)	Jessica Blackburn (ACB)	Erin Callicoat (ACB)
Local Government Advisory Committee	Tommy Wells (DC)	Rick Keister (ACB)	Erin Callicoat (ACB)
Scientific and Technical Advisory Committee	Doug Lipton (UMD)	Liz Van Dolah (CRC)	Liz Van Dolah (CRC)
Goal Implementation Teams			
Protect and Restore Fisheries	Peyton Robertson, (NOAA) State/Other vice-chair; MD?		Liana Vitali (CRC)
Protect and Restore Vital Aquatic Habitats	FWS and COE State/Other vice-chair	Jennifer Greiner? (USFWS)	Krystal Freeman (CRC)

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Organizational Unit	Chairs	Coordinator	Staff Support
Protect and Restore Water Quality	EPA State/Other vice-chair	Rich Batiuk (EPA)	Sally Bradley (CRC) Sara Parr (CRC)
Maintain Healthy Watersheds	USDA (NRCS & FS) State/Other vice-chair	Mike Fritz (EPA)	
Foster Chesapeake Stewardship	NPS State/Other vice-chair		Krissy Hopkins (CRC)
Enhance Partnering, Leadership, and Management	EPA State/Other vice-chair	Greg Allen (EPA)	Karey Harris (CRC)
Technical Support and Services	USGS State/Other vice-chair	Gary Shenk (EPA)	Jake Goodwin (CRC)
Action Teams			
Independent Evaluator	Jeff Horan (MD)	Julie Winters (EPA)	
2-year Milestones	Jeff Corbin (VA) & Rich Batiuk (EPA)		

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